



**State of Florida
Department of Children and Families**

Rick Scott
Governor

Mike Carroll
Secretary

Bronwyn Stanford
Regional Managing
Director

April 16, 2015

VIA CERTIFIED MAIL RETURN RECEIPT

Certified Mail No.:

Joseph and Cherie Iturriaga
19711 NE Miami Court
Miami, Florida 33179

RE: NOTICE OF INTENT TO REVOKE FOSTER HOME LICENSE

Dear Mr. and Mrs. Iturriaga:

The Department of Children and Families (the "Department"), Southern Regional Office, regrets to inform you of its decision to revoke your foster home license. The decision to revoke your license is based upon a determination that you violated applicable statutes, codes, your Partnership Plan agreement and the additional agreements you entered into with case management of Citrus Health Network ("CHN").

On September 4, 2014, Mrs. Iturriaga was arrested on a third degree felony for child neglect. The foster mother, Mrs. Iturriaga, intentionally left the 8 year old foster child in the parking lot of a strip mall. The foster mother, foster child, and 2 grandchildren were shopping at the strip mall and were returning to the foster mother's vehicle. The foster child refused to get into the vehicle. The foster mother became upset and during the incident in which the child refused to get into the vehicle almost hit the child with the vehicle. The child was approached by one of the store owners who called 911 to report the incident as it occurred. The foster mother also called 911 and stated to the dispatcher that she was a foster mother and that the foster child was refusing to enter the vehicle so she was going to leave him there for the police to come get him. The foster mother was advised to remain where she was and not leave the child. Once the police arrived the foster mother was not there. The foster mother had left the scene and did not return until approximately 20 minutes later. Upon arriving at the scene again the foster mother was arrested. The charges have since been dropped. However as a result of this incident the an abuse report was generated by the Department's hotline and has since been closed with verified findings of neglect and lack of supervision.

Mrs. Iturriaga acknowledges leaving the scene, being frustrated with the child, and returning twenty minutes later. Mrs. Iturriaga leaving the child alone at the strip mall was a violation of Rule 65C-13.029(1)(b) of the Florida Administrative Code. It is the responsibility of the licensed

Circuits 11 and 16
401 NW 2nd Avenue, Suite N-1007, Miami, Florida 33128

Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and
Advance Personal and Family Recovery and Resiliency

out of home caregiver to the child that all children in home shall be protected from abandonment, exploitation, neglect, and abuse. Additionally, all reports in which the person seeking licensure or re-licensure was named as the "caregiver responsible" must be considered for licensing purposes. 65C-13.023(2), Florida Administrative Code. Furthermore, this incident and verified report are a violation of your signed Partnership Plan Agreement required by 65C-13.030(1)(d) which states excellent parenting is a reasonable expectation of caregivers. Caregivers will provide and DCF, CBC and agency staff will support excellent parenting. This requires a loving commitment to the child and the child's safety and well being, appropriate supervision and positive methods of discipline, encouragement of the child's strengths, respect for the child's individuality and likes and dislikes, providing opportunities to develop the child's interests and skills, awareness of the impact of trauma on behavior, equal participation of the child in family life, involvement of the child with the community and a commitment to enable the child to lead a normal life.

Following this incident The Department spoke with you regarding your desire to remain a licensed foster home. It was concluded that you would comply with the closing of your home and that you would do so voluntarily pending the transition of another foster child currently in your home. At this time, the Department, is providing you with this Notice of Intent to Revoke Foster Home License as the voluntary closure never occurred.

In accordance with section 409.175(2)(f), Florida Statutes, a foster home license is a public trust, not an entitlement or a property right. Rule 65C-13.030(1)(d), F.A.C. The Department may revoke a license for noncompliance with the requirements for licensure. It is the Department's position that your decision to intentionally leave the child alone in a parking lot is serious violation that jeopardizes the health, safety and well-being of foster children placed in your care. § 409.175(9), Fla. Stat. The Department firmly believes that there are sufficient grounds for revocation of your foster home license.

Please be advised that any party whose substantial interests are affected by the determination to revoke has a right to request an administrative proceeding pursuant to Chapter 120, Florida Statutes. The request for an administrative proceeding must be in writing and must be received within twenty-one (21) days of your receipt of this Notice.

**NOTIFICATION OF RIGHTS UNDER CHAPTER 120, FLORIDA STATUTES
IF YOU BELIEVE THE DEPARTMENT'S DECISION IS IN ERROR, YOU MAY
REQUEST AN ADMINISTRATIVE HEARING TO CONTEST THE DECISION. YOUR
REQUEST FOR AN ADMINISTRATIVE HEARING MUST BE RECEIVED BY THE
DEPARTMENT WITHIN 21 DAYS OF YOUR RECEIPT OF THIS NOTICE. FAILURE
TO REQUEST AN ADMINISTRATIVE HEARING WITHIN THE 21 DAYS PROVIDED
SHALL CONSTITUTE A WAIVER OF THE RIGHT TO A HEARING.**

You may submit your request for an administrative hearing to the Department at the following addresses:

Florida Department of Children and Family Services
Regional Legal Counsel's Office
ATTN: Carlos A. Garcia Esq.
401 N.W. 2nd Avenue, Suite N-1014
Miami, Florida 33128

Please note that a request for an administrative hearing must comply with section 120.569(2) (c), Florida Statutes, and Rules 28-106.201(2), Florida Administrative Code. Those provisions, when read together, require a petition for administrative hearing to include:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- (c) An explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (d) A statement of when and how the petitioner received notice of the agency decision;
- (e) A statement of all disputed issues of material facts. If there are none, the petition must so indicate;
- (f) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (g) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

Section 120.569, Florida Statutes, and rule 28-106.201(4), Florida Administrative Code, require that a petition to be dismissed if it is not in substantial compliance with the requirements above.

Mediation as described in section 120.573, Florida Statutes, may be available if agreed to by all parties, and on such terms as agreed to by all parties. The right to an administrative proceeding is not affected when mediation does not result in a settlement.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U. S. certified mail, return receipt to Joe and Cherie Iturriaga 19711 NE Miami Court, Miami, FL 33179 this 16th day of April, 2015.



Sonia De Escobar
Program Administrator, Family Safety
Florida Department of Children and Families